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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,706	09/12/2003	Stephen L. Ricker	011357.52664US	7679
23911	7590	06/22/2005	EXAMINER SAETHER, FLEMMING	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			ART UNIT	PAPER NUMBER 3677

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/660,706	RICKER, STEPHEN L.	
	Examiner Flemming Saether	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 April 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 April 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

***Information Disclosure Statement***

The reference listed on applicant's IDS filed 6-1-05 is incorrect since the number does not correspond to the date and name. Accordingly, the reference could not be considered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellström (US 5,779,419) in view of Reeves (US 5,660,417). Kellström discloses a hydraulic nut (8) and method including a device for determining displacement comprising an internally threaded nut body (9) having an annular chamber (10) and a fluid passageway (at 13); a piston (11) disposed and axially displaceable in said chamber including a radially extending protrusion (18) and an inwardly directed flange (not labeled) and; a displacement bar (19) removable mounted on the protrusion and extending "across the periphery of the nut body" (it should be noted that "across the periphery" [italic added] does not require it to be outside the periphery). The displacement bar having a length  $L$  which meets the limitation of being equal to the thickness of the nut  $T$  plus a "predetermined distance for axial movement to said piston" a because no value is given to the "predetermined distance" and therefore as related to

the prior art the "predetermined distance"  $a$  is selected to be whatever value gives the required length  $L$ . Kellström does not disclose a separate protrusion extends form a flange and outside the periphery of the nut. Reeves discloses a tension indicator wherein a displacement bar (9) is mounted to a protrusion (at 11) which extends radially outwardly from a flange (20) to a location outside the body of the nut (see Fig. 1). The embodiment shown in Fig. 5 includes a pair of lugs. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of Kellström with a separate protrusion for the displacement bar as disclosed in Reeves in order make the device more versatile by providing for different displacement bar configuration not requiring the specialized gauge currently employed by Kellström. Reeves discloses the member (9) may be mounted to the member (8) in any number of ways (column 6, the paragraph beginning line 14) but, is not specific as to a locking pin inserted through aligned bores. However, a locking pin being inserted though aligned bores is a well known mounting means and as such the skilled artisan would have recognized to employ such a mounting means in Reeves since it would optimal in the lug confutation shown in Fig. 5.

Claims 15-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellström in view Reeves and further in view of Shappard (US 4,411,549). Modified Kellström discloses a hydraulic nut having features as discussed above and further teaches the method wherein the hydraulic nut is used to move a hollow article associated with different embodiments of a bearing assembly (Figs. 3-6) on a tapered

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shaft by applying pressure to the piston axially. Kellström does not however teach the axially displaceable member moved to be flush with an exposed face of the nut body. Sheppard discloses method of determining displacement comprising a displacement bar (36) which is moved a predetermined distance to a second position (Fig. 3) where it is flush (column 5, line 44-45) with an exposed surface of a fastener (at 26). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the gauge measured displaceable member as disclosed in Kellström with a simple rod as disclosed in Shappard. The rod is simplified as compared the gauge currently employed in Kellström and therefore would be advantageous since it would be more economical by being less costly to produce and also would be easy to visually inspect for proper relative orientation.

### ***Response to Remarks***

Applicant argues that the claims define over the prior art since the references do not disclose the location of the displacement bar outside the periphery of the nut body. In response, the examiner disagrees because the reference to Reeves clearly shows the displacement bar outside the body of the nut (see Fig. 1).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether  
Primary Examiner  
Art Unit 3677